



**ZONING COMMISSION  
ZONING HEARING**

**AMENDMENTS TO THE AGENDA  
December 6, 2019**

**AGENDA**

**ITEM #    PAGE #    APPLICATION AND CONTROL #S    APPLICATION NAME**

**CALL TO ORDER**

**\* Nominate and vote on Interim Chair**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks to the Chair
- D. Notice
- E. Proof of Publication
- F. Adoption of the Minutes
- G. Swearing in
- H. Amendments to the Agenda
- I. Motion to Adopt the Agenda
- J. Disclosure

**CONSENT AGENDA**

**D.            ZONING APPLICATIONS- NEW**

6.	(145-148)	ZV/DOA-2018-01208 (1984-00163)	Delray Commons (Barkley Place)
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**AMEND** Conditions of Approval of Exhibit C-2, as follows:

**ARCHITECTURAL REVIEW**

1. The maximum height for all structures including air conditioning, parapets, mechanical equipment and satellite dishes shall not exceed thirty (30) feet within thirty (30) feet of the west property line or thirty-five (35) feet for the remainder of the development. Height shall be measured from finished grade to highest point of the structure. (DRO: ZONING - Zoning)

**LANDSCAPE PERIMETER**

2. PERIMETER LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL): In addition to Code requirements, landscaping along the west property line shall be upgraded to include:
  - a. A six (6) foot high opaque block or panel wall. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of measuring height of the wall shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property; and,
  - b. One (1) palm or pine for each for each thirty (30) linear feet of the property line;
  - c. Five (5) canopy trees;
  - d. All canopy trees shall be a minimum ~~fourteen (14)~~ sixteen (16) feet height at installation; and
  - e. Seventy-five (75) large shrubs. (BLDGPMT: ZONING- Zoning)

3. PERIMETER LANDSCAPING ALONG THE EAST PROPERTY LINE (ROW BUFFER FOR MILITARY TRAIL): In addition to code requirements, landscaping along the east property line shall be upgraded to include:
  - a. Twenty (20) canopy trees; and,
  - b. One hundred and fifty (150) medium shrubs. (ONGOING: ZONING - Zoning)
  
4. PERIMETER LANDSCAPING ALONG ROYAL PALM DRIVE: In addition to code requirements, landscaping along the north property line for the south property line and south property line for the north parcel (along Royal Palm Drive) shall be upgraded to include:
  - a. Twenty (20) medium shrubs.
  - b. Thirty (30) small shrubs; and, (ONGOING: ZONING - Zoning)
  
5. PERIMETER LANDSCAPING ALONG THE SOUTH PROPERTY LINE (INCOMPATIBILITY BUFFER): In addition to code requirements, landscaping along the south property line shall be upgraded to include:
  - a. All canopy trees shall be a minimum sixteen (16) foot in height at time of planting. (ONGOING: ZONING - Zoning)



**ORDER OF BUSINESS  
ZONING COMMISSION  
PALM BEACH COUNTY, FLORIDA**

**FRIDAY, DECEMBER 6, 2019**

**9:00 A.M.**

**Vista Center, Ken Rogers Hearing Room, VC-1W-47  
2300 N Jog Rd, West Palm Beach, 33411**

**CALL TO ORDER**

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Adoption of the Minutes
- G. Swearing In
- H. Amendments to the Agenda
- I. Motion to Adopt the Agenda
- J. Disclosure

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



**AGENDA**  
**PALM BEACH COUNTY ZONING COMMISSION**

**DECEMBER 6, 2019**

**CALL TO ORDER**

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, and Pledge of Allegiance
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N Jog Rd, West Palm Beach, 33411, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on accepting, rejecting, or modifying the recommendations of staff regarding other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing in the 6th Floor, Jane Thompson Memorial Chambers, 301 N Olive Ave, West Palm Beach, 33401, at 9:30 A.M. on Thursday, December 19, 2019 to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Requested Uses, Planned Developments, Development Order Amendments, Waiver Requests and Administrative Inquiries.
- D. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Chair, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.
- E. Proof of Publication - Motion to receive and file.
- F. Adoption of the Minutes
- G. Swearing In - County Attorney
- H. Amendments to the Agenda
- I. Motion to Adopt the Agenda
- J. Disclosures

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

- 1. [DOA/CA-2019-00737](#) Title: a Development Order Amendment application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. Request: to add a use.  
Title: a Class A Conditional Use application of TJAC Palmetto Park, LLC by Perry & Taylor PA, Agent. Request: to allow a Cocktail Lounge.  
General Location: Southwest corner of Palmetto Park Road & Powerline Road. **(US Cigar Exchange)** (Control 1981-00115)

Pages 1 - 1

Project Manager: Brenya Martinez

Size: 8.19 acres ±

(affected area 7.31 acres ± )

BCC District: 4

Staff Recommendation: Staff recommends postponement to Wednesday, January 8, 2020.

**MOTION:** To postpone to Wednesday, January 8, 2020.

- 2. [DOA/W-2019-00489](#) Title: a Development Order Amendment application of PT Department by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reconfigure the Site Plan; and, to add square footage.  
Title: a Type 2 Waiver application of Pt Department by Keith and Associates Inc., Saul Ewing Arnstein & Leher LLP, Agent. Request: to reduce minimum Fenestration, Building Frontage and dimension of Usable Open Space; and, eliminate a Pedestrian Amenity.  
General Location: West side of Military Trail, approximately 600 feet north of Summit Boulevard. **(Hunts Easy Storage)** (Control 1981-00082)

Pages 2 - 2

Project Manager: Travis Goodson

Size: 9.31 acres ±

(affected area 3.49 acres ±)

BCC District: 2

Staff Recommendation: Staff recommends postponement to Wednesday, January 8, 2020.

**MOTION:** To postpone to Wednesday, January 8, 2020.

**B. REMANDS**

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. STATUS REPORTS**

**C. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

- 3. [ZV/PDD/CA-2019-00327](#) Title: a Type 2 Variance application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to eliminate frontage and access on an Arterial or Collector Street; and, to reduce a side setback.  
Title: an Official Zoning Map Amendment application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Planned Unit Development (PUD) Zoning District.  
Title: a Class A Conditional Use application of Alliance Realty Partners, LLC, 6595, LLC by Dunay Miskel and Backman LLP, Agent. Request: to allow a Type 3 Congregate Living Facility.  
General Location: North side of Morikami Park Road, approximately 310 feet west of Jog Road. **(Holden of Delray Beach)** (Control 2008-00133)

Pages 3 - 69

Conditions of Approval (14 - 20)

Project Manager: Meredith Leigh

BCC District: 5

Size: 7.23 acres ±

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

**MOTION:** To adopt a resolution approving a Type 2 Variance to eliminate frontage and access on an Arterial or Collector street; and, to reduce a side setback subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 3 Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-3.

- 4. [ABN/CA-2018-02106](#) Title: a Development Order Abandonment application of Trikon Northlake, LLC by Insite Studio, Agent. Request: to abandon the Special Exception allowing a Financial Institution with five Drive-Up Teller units.  
Title: a Class A Conditional Use application of Trikon Northlake, LLC by Insite Studio, Agent. Request: to allow a Type 1 Restaurant with a drive-thru.  
General Location: On the north side of Northlake Boulevard (Blvd), approximately 630 feet west of MacArthur Blvd. (**Trikon Northlake**) (Control 1986-00070)

Pages 70 - 97

Conditions of Approval Pages (80 - 82)

Project Manager: Carrie Rechenmacher

Size: 2.77 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon the Special Exception allowing a Financial Institution with five Drive-Up Teller units.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a drive-thru subject to the Conditions of Approval as indicated in Exhibit C.

**D. ZONING APPLICATIONS - NEW**

- 5. [DOA-2019-01088](#) Title: a Development Order Amendment application of WPB No. 1, LLC, Florida #2, LLC, MA No. 1, LLC, Health Career Institute, LLC, Florida #8, LLC by Shutts and Bowen LLP, Agent. Request: to amend the Site Plan and delete a Condition of Approval.

General Location: Southeast of the intersection of North Congress Avenue and Westgate Avenue. (**Congress Avenue Office Park**) (Control 1988-00005)

Pages 98 - 135

Conditions of Approval Pages (104 - 106)

Project Manager: Cody Sisk

Size: 6.10 acres ±

BCC District: 2

**MOTION:** To recommend approval of a Development Order Amendment to amend the Site Plan and delete a Condition of Approval subject to the Conditions of Approval as indicated in Exhibit C.

6. [ZV/DOA-2018-01208](#) Title: Type 2 Variance application of Barkley International, Inc. by Dunay Miskel and Backman LLP, Agent. Request: to allow a reduction in lot depth, Right-of-Way (R-O-W) Buffer width and, building setbacks; to allow for elimination of foundation planting, and, to increase easement overlap within a R-O-W Buffer.  
Title: a Development Order Amendment application of Barkley International, Inc. by Dunay Miskel and Backman LLP, Agent. Request: to reconfigure the Site Plan; add and delete square footage; modify uses; and amend Conditions of Approval.

General Location: West side of Military Trail, approximately 0.25 miles north of Flavor Pict Road. **(Delray Commons (Barkley Place))** (Control 1984-00163)

Pages 136 - 168

Conditions of Approval Pages (144 - 149)

Project Manager: Carrie Rechenmacher

Size: 4.00 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

**MOTION:** To adopt a resolution of a Type 2 Variance to allow a reduction in lot depth, Right-of-Way (R-O-W) Buffer width and, building setbacks; to allow for elimination of foundation planting, and, to increase easement overlap within a R-O-W Buffer subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan; add and delete square footage; modify uses; and amend Conditions of Approval subject to the Conditions of Approval as indicated in Exhibit C-2.

7. [ZV/ABN/DOA/CA-2019-00134](#) Title: a Type 2 Variance application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to allow an additional freestanding building; reduce number of parking spaces; and, eliminate and reduce Foundation Planting.

Title: a Development Order Abandonment application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to abandon a Type II Restaurant

Title: a Development Order Amendment application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to reconfigure the Site Plan; reduce square footage and number parking spaces; and, modify uses.

Title: a Conditional Use Class A application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP by Bowman Consulting Group, Agent. Request: to allow a Type 1 Restaurant with a Drive-through.

General Location: Southeast corner of Boynton Beach Boulevard and Lyons Road. **(Chick-Fil-A #4305 - Canyon Town Center)** (Control 2004-00471)

Pages 169 - 230

Conditions of Approval Pages (179 - 189)

Project Manager: Carolina Valera

Size: 125.82 acres ±

(affected area 1.23 acres ±)

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

**MOTION:** To adopt a Resolution approving a Type 2 Variance to allow an additional freestanding building; reduce number of parking spaces; and, eliminate and reduce Foundation Planting subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Development Order Abandonment to abandon a Type II Restaurant.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the Site Plan; reduce square footage and number of parking spaces; and, modify uses subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through subject to the Conditions of Approval as indicated in Exhibit C-3.

8. [ABN/ZV/PDD/CA-2017-00983](#) Title: Type 2 Variance application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to eliminate a Type 2 Incompatibility Buffer between a Recreation Pod and abutting Residential Use; and, to increase percentage of streets permitted to terminate in dead ends or cul-de-sacs.  
Title: an Official Zoning Map Amendment application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.  
Title: a Class A Conditional Use application of AMKBJ Partners, LTD LLLP by WGINC, Agent. Request: to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.  
General Location: West side of Military Trail, approximately 0.60 miles north of Lantana Road. **(Heathwood Reserve)** (Control 1997-00008)

Pages 231 - 310

Conditions of Approval Pages (242 - 247)

Project Manager: Carolina Valera

Size: 22.54 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

**MOTION:** To adopt a Resolution approving a Type 2 Variance to eliminate a Type 2 Incompatibility Buffer between a Recreation Pod and abutting Residential Use; and, to increase percentage of streets permitted to terminate in dead ends or cul-de-sacs, subject to the Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District, subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To recommend approval of a Class A Conditional Use to allow to Workforce Housing Program (WHP) Density Bonus greater than 30 percent, subject to the Conditions of Approval as indicated in Exhibit C-3.

**E. CORRECTIVE RESOLUTIONS**

**F. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA****A. ITEMS PULLED FROM CONSENT****B. STATUS REPORTS****C. PREVIOUSLY POSTPONED ZONING APPLICATIONS****D. ZONING APPLICATIONS - NEW**

9. [Z/CA-2018-02236](#) Title: an Official Zoning Map Amendment application of Annie Vo Yen Pham by Schmidt Nichols, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CL-O) Zoning District.  
Title: a Class A Conditional Use application of Annie Vo Yen Pham by Schmidt Nichols, Agent. Request: to allow a Medical or Dental Office.

General Location: Northeast corner of Lantana Road and Colbright Road. **(Vo Professional Office)** (Control 2018-00157)

Pages 311 - 330

Conditions of Approval Pages (319 - 321)

Project Manager: Ryan Vandenburg

Size: 3.11 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the request. However should the Zoning Commission recommend approval of the request, staff recommends the approval be subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

**MOTION:** To recommend denial of an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CL-O) Zoning District.

**MOTION:** To recommend denial of a Class A Conditional Use to allow a Medical Office or Dental Office.

**E. SUBDIVISION VARIANCE****F. OTHER ITEMS****END OF REGULAR AGENDA****COMMENTS****A. COUNTY ATTORNEY****B. ZONING DIRECTOR****C. PLANNING DIRECTOR****D. EXECUTIVE DIRECTOR****E. COMMISSIONERS****ADJOURNMENT**